

**WESTMINSTER CEMETERY**

**BYLAWS**

**Approved by  
Westminster Cemetery Board  
October 24, 2013**

**Amendments by  
Pendleton United Church Board  
for Ratification  
November 19, 2013**

**Amendments by  
Bereavement Authority of Ontario  
January 23, 2017  
File #03485  
License #3297436-1 (March 2018)**

## WESTMINSTER CEMETERY

### BACKGROUND

On June 16, 1856, the Trustees of the Presbyterian Church of South Plantagenet, John Beggs, James Anderson, George Presley, and William Presley, paid five shillings to John Gordon and his wife, Nancy Gordon, of the Township of South Plantagenet in the County of Prescott and Province of Canada for:

“a certain parcel or tract of land and premises, situate lying and being in the township of South Plantagenet in the county of Prescott and Province of Canada containing by a measurement one acre and thirty three perches of land, more or less, being composed of the North East Corner of Lot number Thirteen in the Tenth Concession of the aforesaid Township of south Plantagenet.”

“In trust for the use of the Presbyterian Church of South Plantagenet.”

“Recorded at twelve noon on Thursday the 24<sup>th</sup> day of October A.D. 1861 in Book 21, pages 100 and 101. – S.M. Johnson, Deputy Registrar.”

Westminster Cemetery is situated on 1.2 acres, a peaceful, well maintained property that is the resting place of approximately 582.

### INTRODUCTION

The financial and operational responsibilities for maintaining Westminster Cemetery are fulfilled by the Westminster Cemetery Board, hereinafter referred to as WCB, under the governance of Pendleton United Church, the registered owner and operator of the cemetery.

The detailed responsibilities are outlined in the following Bylaws.

These Bylaws that govern the general operation of the cemetery shall be adopted, amended and/or rescinded at the annual meeting of the WCB. They shall then be submitted to the Board of Pendleton United Church for ratification before being submitted for approval to the Registrar of Bereavement Authority of Ontario.

These Bylaws shall be consistent with the historic operation and the general maintenance of the cemetery.

### BYLAWS

#### 1. Definitions

For purposes of these Bylaws, the following definitions shall apply.

- Bylaws: the rules and regulations under which the cemetery operates
- Care and Maintenance Fund: it is a requirement under the Funeral, Burial, and Cremation Services Act (FBCSA) that a percentage of the purchase price of all Interment rights, and set amounts for marker and monument installations is contributed to the Care and Maintenance Fund. **The specific amounts can be seen on the current price lists.** Interest earned from this fund is used to provide care and maintenance of lots, markers and monuments at the cemetery
- Cornerstones: flat markers at all four corners of the lot
- Interment Rights: the right to require or direct the interment of human remains or cremated human remains in a lot, and direct the associated memorialization

- Interment Rights Certificate (formerly Deed or Indenture): the document issued by the WCB to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights
- Interment Rights Holder: any person designated to hold the right to inter human remains in a specific lot
- Lot: for the purposes of these Bylaws, a standard single grave space measuring 4 feet by 10 feet or one of the various smaller lots that can accommodate two urns
- Marker: any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial lot
- Monument: any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot

## **2. Governance and Structure of Westminster Cemetery Board**

- 2.1 The WCB is comprised of a minimum of five to a maximum of seven members appointed by the WCB and/or the Trustees of Pendleton United Church for a term of three years. This term may be extended at the annual review of Board membership.
- 2.2 A quorum of 50% plus one of the active members, including the Chair or Vice Chair, shall be present to conduct official business that is recorded in the Minutes.
- 2.3 The WCB meets a minimum of twice a year, in October and in April. The April meeting is designated the Annual Meeting that includes a review of Board membership and Bylaws. Other meetings may be called, as needed, at the discretion of the Chair.
- 2.4 In general, the business of WCB includes the following responsibilities:
- Maintain the safety and beauty of Westminster Cemetery
  - Determine the rates for Interment Rights and any necessary administration fees
  - Facilitate sales of lots and burials and inurnments
  - Designate at least two individuals as official markers of burial and inurnment sites
  - Maintain complete, accurate, and up-to-date financial records according to relevant legislation and cemetery best practices
  - Prepare annual unaudited financial statements for submission to the Board of Pendleton United Church for review by January 15<sup>th</sup> of each year
  - Communicate at least annually with all Interment Rights Holders and donors for whom the Board has current contact information
  - Report annually to the Board of Pendleton United Church by January 15<sup>th</sup> of each year. A brief summary will be submitted to include in the Annual Report.
  - Ensure compliance with all Westminster Cemetery Bylaws
- 2.5 From among its members, the WCB shall appoint a Chair, Vice Chair, Secretary, and Treasurer
- 2.6 Duties of the Chair of the WCB:
- Prepare the agenda for WCB meetings after consultation with other members and review of previous business
  - Chair all WCB meetings
  - Appoint any necessary committees
  - Ensure that all business is conducted according to standard cemetery management practices
  - Act as the liaison with the Pendleton United Church, attending meetings and reporting, as requested
  - Act as official point of contact for the sale of any Interment Rights

- 2.7 Duties of the Vice Chair of the WCB:
- Assume the responsibilities of the Chair when the Chair is unable to perform them.
  - Assume other leadership roles (e.g. Committee Chair) as assigned by Chair
- 2.8 Duties of the Secretary of the WCB:
- Record and maintain Minutes of all WCB meetings
  - Distribute Minutes, supplementary information, and agendas to WCB members in a timely manner
  - Handle and maintain file copies of any correspondence addressed to or initiated by WCB
  - Maintain records of all Contracts for Purchase of Interment Rights, copies of Certificates of Interment Rights, copies of Burial Permits and Certificates of Cremation, Minutes of meetings of the WCB, and all other records documents pertaining to the business of the cemetery.
  - Maintain a list of contact information for all Interment Rights Holders, donors, and any other interested parties
  - Distribute relevant communication to all Interment Rights Holders, donors, and any other interested parties
- 2.9 Duties of the Treasurer of the WCB:
- Prepare annual financial statements and statement of fund raising activities to be distributed by the Secretary to the Interment Rights Holders and donors
  - Maintain the bank account with another Executive as co-signer
  - Pay all approved expenses
  - Manage financial investments in compliance with the Funeral, Burial, and Cremation Services Act (FBCSA) and the direction from the WCB
  - Ensure compliance with the regulations of the Care and Maintenance Trust Fund, including the contribution amount set by the FBCSA
  - Complete and submit all necessary forms to the Cemeteries Regulations Unit, Bereavement Authority of Ontario
  - Issue all receipts for donations upon request
  - Issue Interment Rights Certificates after receipt of monies
  - Report on all financial transaction at each WCB meeting
  - Advise WCB members on matters of financial management
  - Prepare annual statements for submission to the Board of the Pendleton United Church by January 15<sup>th</sup> of each year
- 2.9 Duties of all Members of WCB:
- Attend all meetings, and, if not possible, to advise the Secretary
  - Advise the Chair of any items that should be on the agenda of the next meeting
  - Keep up-to-date on the business of the WCB in order to participate fully in discussions and decisions
  - Participate in committee activities or initiatives as approved by the WCB
  - In any matters not specifically covered by these Bylaws, the WCB may do anything that is deemed reasonable, and such determination shall be binding upon all Interment Rights Holders and other interested parties
- 2.10 Compensation
- All positions on the WCB are voluntary. The duties shall be carried out without monetary compensation save for reimbursement of expenses pre-approved by WCB and reasonable administration expenses

### **3. Sale of Interment Rights**

- 3.1 Interment Rights to lots shall be sold at prices set by the WCB. Prices are subject to change at any time as approved by the WCB.
- 3.2 All purchasers of Interment Rights must sign a contract with the WCB. The approved contract complies with all current Province of Ontario legislation and details the obligations of both parties and indicates acceptance of the Bylaws by the purchaser.
- 3.3 The purchaser will be given an Interment Rights Certificate adopted by the WCB.
- 3.4 An Interment Rights Certificate shall be issued for each lot purchased and only after any and all arrears connected with the lot has been paid.
- 3.5 The Interment Rights belong only to the persons named on the certificate. The Interment Rights must not be transferred or sold without notifying the WCB.
- 3.6 If Interment Rights are transferred or sold, the Rights Holder(s) must return the Interment Rights Certificate with a written request and cheque for administration fees to the Cemetery who will then issue a new certificate to the transferee or purchaser
- 3.7 Cancellation of Interment Rights after 30-day cooling off period: Upon receiving written notice from the purchaser of the interment rights, the cemetery operator will cancel the contract and issue a refund to the purchaser for the amount paid for the interment rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving said notice. If the interment rights certificate has been issued to the interment rights holder(s), the certificate must be returned to the cemetery operator along with the written notice of cancellation.

### **4. Interments**

- 4.1 Interments are not permitted when the ground is frozen. Arrangements may be made for access to the vault.
- 4.2 Interment Rights Holders are fully responsible for acquiring and paying for site preparation services.
- 4.3 Cremated remains may be interred in lots. A maximum of three cremations may be interred in each standard sized lot. The urns must be buried at least one foot from each other and from the headstone and the foot of the lot.
- 4.4 Scattering of cremated remains is not allowed on Westminster Cemetery property.
- 4.5 Pet interments are not allowed.
- 4.6 No rights shall be exercised or transferred unless the lot has been paid in full and cornerstones in place.

## **5. Disinterment**

- 5.1 All disinterments will be done in accordance of the FBCSA. Disinterments are subject to all local and provincial health department requirements. The Executor or Next of Kin shall make application for a Disinterment Permit to the Province of Ontario

## **6. Markers and Monuments**

- 6.1 Flat markers which include all markers in urn plots must be at least 4 inches thick and have a concrete apron around the marker to depth of 4 inches. This is to prevent the monument cracking.
- 6.2 Monuments must conform to current industry standards for height, weight and thickness. The maximum height allowed for any monument is 60". The minimum depth in the ground for the base is five feet. A WCB representative must be present to measure before the cement is poured.
- 6.3 One footstone with a flat level surface set flush with the ground may be placed at each grave in addition to the monument. This footstone shall be placed at the end of the grave farthest from the monument. All footstones are to be installed in the presence of a WCB representative.
- 6.4 No more than one monument may be erected or placed on a lot.
- 6.5 Any inscription on any marker which is not in keeping with the dignity or decorum of the Cemetery may be subject to a request for removal at the expense of the Interment Rights Holder.
- 6.6 All markers or monuments must be constructed of natural stone or bronze.
- 6.7 All Care and Maintenance fees for markers and monuments must be paid in full to a WCB representative prior to installation in the cemetery. The Care and Maintenance fees will be remitted in full to the Public Guardian and Trustee. WCB reserves the right to request the removal of marker or monument if fees are not paid in full. Cornerstones must be installed by WCB at the expense of the Interment Rights Holder.
- 6.8 The WCB reserves the right to remove any markers found to be in contravention of these regulations.

## **7. Restricted Access**

- 7.1 All vehicular and grave site preparation machinery/equipment access is restricted to the designated / marked laneway in the Cemetery. Costs incurred to repair any damage caused by non-compliance with this bylaw will be fully recoverable from the Interment Rights Holder who requested the work.

## **8. Decorations and Lighting**

- 8.1 For the safety of visitors and in order to maintain a well-kept appearance, no Interment Rights Holder is allowed to place the following items on or about the lots, monument and markers:
- bric-a-brac of any description including wooden crosses, pin-wheels, glass jars, statues, shells, vigil lights, balloons, marble chips, planters, and edging
  - lighting of any kind
  - planted flowers

- trellises
  - benches and chairs
  - fences, hedges, curbs, or other enclosures
- Such articles will be removed by the WCB without notice.

8.2 Fresh and artificial flowers and small potted plants may be placed on a lot to commemorate special occasions. However, the WCB assumes no responsibility for such articles. Any remaining flowers or plants will be removed at mid-November of each year.

## **9. Animals**

9.1 Animals shall be prohibited on the cemetery grounds except for service animals trained to assist persons with disabilities.

## **10. Visitor Conduct**

- 10.1 Visitors to the cemetery shall not:
- Destroy, deface, or remove any monument, marker, plants, building, equipment or other object connected to the cemetery or placed there for the purpose of honouring the memory of a person interred in the cemetery
  - Sit, stand on, lean against, or perform any other disrespectful act to a monument, grave marker erected for the purpose of honouring the memory of a person interred in the cemetery
  - Display noisy or disrespectful behaviour or language
  - Carry or consume alcohol on the property, except for religious ceremonies
  - Operate a vehicle on the property except on the roadways (see section on Restricted Access)
  - Carry or discharge a firearm except in conjunction with a military funeral

## **11. Liability**

11.1 The WCB is covered under the Commercial General Liability Coverage of the Pendleton United Church, including personal liability and damage to the vault.

11.2 The WCB is not responsible for loss of or damage to any portable articles left in the cemetery.

11.3 The WCB is not liable and will not assume responsibility for any and all damage to monuments or markers in the cemetery, regardless of cause.

11.4 The WCB is not liable for performing any services, including preparation for burial, except verifying the location of the lot and headstone.

## **12. Authority of the Westminster Cemetery Board**

12.1 Should issues arise that have not been anticipated in the above bylaws, the WCB reserves the right to make a final decision, in compliance with the FBCSA.